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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,916	06/26/2003	Wesley Joseph Dupeire	030126	7066
36192	7590	07/26/2005	EXAMINER	
CANTOR COLBURN LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			GRIER, LAURA A	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/608,916

Applicant(s)

DUPEIRE, WESLEY JOSEPH

Examiner

Laura A. Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1, The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 and 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Allen et al., U. S. Patent No. 6487296.

Regarding claim 1, 7, 11, and 15-18, Allen et al. (herein, Allen) discloses a wireless surround sound speaker system (figure 1). Allen's disclosure comprises a transmitter (13 or 80/81) is coupled to a plurality of speakers, wherein a conditioning switch is provided for selecting the location and channel for each speaker (which, inherently provides evident that each signal transmitted to an individual speaker is driven on a different frequency) and col. 7, lines 29-39 specifically indicates the different frequencies for the respective speakers; and each speaker (15-19 and/or 30) is wired to the receiver, which reads on a wireless transmitter; and a plurality of receivers (14 or 90/91) is coupled via speaker wires to the individual speakers, which reads on a 1<sup>st</sup> and 2<sup>nd</sup> wireless receiver. Further the plurality of speakers consist of left and right front and rear speakers and a center speaker. (col. 5, lines 51-61, col. 6, lines 54-59 and col. 6, lines 20-26 and 35-40).

Regarding claim 2, Allen discloses everything claimed as applied above (see claim 1). Allen further discloses the transmitter with a power switch, which inherently indicates AC power source (col. 6, lines 15-16).

Regarding claim 3, Allen discloses everything claimed as applied above (see claim 1). Allen further discloses the wireless receivers including optional power sources (col. 6, lines 40-47), which reads on the receiver including AC or DC power source.

Regarding claim 4, Allen discloses everything claimed as applied above (see claim 1). Allen further discloses the wireless transmitter includes controls for equalization, balance, fading, volume, tone (col. 5, lines 66-col. 7, lines 1-9).

Regarding claim 5, Allen discloses everything claimed as applied above (see claim 1). Allen further discloses that transmitter includes an amplifier (10) – col. 8, lines 20-27).

Regarding claim 6, Allen discloses everything claimed as applied above (see claim 1). Allen further discloses the wireless transmitter includes means for equalization, balance, fading, volume, tone control (col. 5, lines 61-65).

Regarding claim 8 and 13, Allen discloses everything claimed as applied above (see claim 1 and 11). Allen further discloses the wireless transmission and reception from the transmitter to the receiver, which inherent support of radio or infrared transmission.

Regarding claim 12, Allen discloses everything claimed as applied above (see claim 1). Allen further discloses the transmitter with a power switch, which inherently indicates AC power source (col. 6, lines 15-16), and Allen also discloses the wireless receivers including optional power sources (col. 6, lines 40-47), which reads on the receiver including AC or DC power source.

Regarding claim 14, Allen discloses everything claimed as applied above (see claim 1). Allen further discloses the sound signals for a home theater/stereo system being output via a variety of devices (col. 6, lines 54-62), wherein reads on stereo component being a home stereo system or a surround sound home theater system.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen.

Regarding claims 9-10 and 19, Allen discloses everything claimed as applied above (see claim 1 and 15). However, fails to disclose the subwoofer wired speaker output. The examiner takes official notice that including a subwoofer with a wireless speaker system was well known in the art. Thus, It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Allen by implementing a subwoofer speaker with the other speakers of the wireless speaker system for the purpose of providing optimal bass of the surround sound system, thus enhancing the sound effects.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

The applicant essentially argues that the prior art of Shdema failed to disclose the claimed invention in respect to “providing or using different frequencies to transmit different signals to different speakers”. A new reference of prior art has been provided with teaches the argued limitation, which constitutes to different transmission frequencies. However, in the respect the arguments of a “different transmission frequencies”, the claim language is broadly written and interpreted accordingly, wherein it does limit or specifically define the intentions of “transmission frequencies” as specifically argued.

#### Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chen, U. S. Patent No. 6590982, discloses wireless stereo center speaker system.


#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Grier whose telephone number is (571) 272-7518. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, appearing to read "Laura A. Grier".

Laura A. Grier

July 23, 2005